

LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE
Professional Development Center
West Virginia State Police Academy
Dunbar, West Virginia

January 28, 2016

MEMBERS PRESENT: Sheriff Tom McComas
Mayor John Manchester
Chief Steve Walker
Retired Chief Steve Stephens

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Colonel Jerry Jenkins by
Lieutenant Warren E. Goodson
Chief Ray Fridley by
Chief Brad Rinehart
First Lieutenant James Lee by
Sergeant Aaron D. Nichols
Retired Lieutenant Terry Miller by
Retired Corporal Dave Gentry
Ms. Patti Hamilton by
Mr. Jack McClung
Ms. MaryKaye Jacquet by
Sergeant J. L. Johnson

STAFF: Ms. Kimberly Mason
Ms. Judy Strickland

The January 28, 2016 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:07 a.m. by the Chair, Retired Chief Stephens. There were eleven (11) members either present or represented which represents a quorum of the Subcommittee membership, at the start of, and during, the meeting.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Consideration of the minutes from the December 10, 2015 meeting. Motion made, Chief Walker, seconded Sheriff McComas to accept the minutes as presented. The motion was approved unanimously.
2. Agenda Item 2 – Ms. Mason provided the LEPS Fund Account financial update showing a cash balance of \$119,161.94 at the end of December 2015. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the report as presented. The motion was approved unanimously.
3. Agenda Item 3A – Motion made, Sheriff McComas, seconded, Chief Walker, for the approval of applications of individuals listed as certified law enforcement instructors in the areas of expertise listed. The motion was approved unanimously with no discussion.
4. Agenda Item 4 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. The motion was approved unanimously with no discussion.
5. Agenda Item 5A – Motion made, Chief Walker, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for annual in-service credit. The motion was approved unanimously with no discussion.
6. Agenda Item 5B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for supervisory in-service credit. The motion was approved unanimously with no discussion.
7. Agenda Item 5C – Motion made Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for personal in-service credit. The motion was approved unanimously with no discussion.
8. Agenda Item 5D – Consideration of Train the Trainer Courses. None presented. No action required.

9. Agenda Item 5E – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for annual in-service credit for the 2017 Training Year which runs July 1, 2016 – June 30, 2017. The motion was approved unanimously with no discussion.
10. Agenda Item 5F – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for supervisory in-service credit for the 2017 Training Year which runs July 1, 2016 – June 30, 2017. The motion was approved unanimously with no discussion.
11. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 6 through 15 there was a motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:12 a.m. Motion made, Sheriff McComas, seconded, Mayor Manchester, and approved unanimously without discussion for the Subcommittee to come out of executive session at 11:12 a.m., no action having been taken during the executive session on any of the items discussed. The Chair then moved to address, as necessary, the agenda items that had been discussed while in executive session.
12. Agenda Item 6 – Stop Work Order issued to individual due to failure to submit a complete and medically acceptable academy application packet to the training Academy within ninety (90) calendar days of the individual's employment date. Presented for informational purposes, no action required.
13. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. None presented. No action required.
14. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen or be approved to be employed once again as a sworn officer following a department from the entry level training program. None presented. No action required.
15. Agenda Item 9A – Officer #1 – Ms. Mason provided an update on pending appeal from Subcommittee actions, being addressed as needed by Ms. Webb-Barber. Presented for informational purposes only. No action required.
16. Agenda Item 9B – Officer #2 – Ms. Mason provided an update on pending appeal from Subcommittee actions, being addressed as needed by Ms. Webb-Barber. Presented for informational purposes only. No action required.

17. Agenda Item 9C – Officer #3 – Ms. Mason provided an update on appeal of decision by Mr. Staton. Mr. Maxwell is reviewing and will be submitting Recommending Finding to Mr. Staton. Presented for informational purposes only. No action required.
18. Agenda Item 9D – Officer #4 – Ms. Mason provided an update on appeal of decision by Mr. Staton. Mr. Maxwell is working with Ms. Webb-Barber and Mr. Hanna to set hearing. Presented for informational purposes only. No action required.
19. Agenda Item 9E – Officer #5 – This officer did not appear in reference to the review of the acceptance of his surrender of his certification as a West Virginia law enforcement officer. Motion made, Sheriff McComas, seconded, Chief Walker to accept the surrender of this former officer based on the diversion agreement he had entered into in the Circuit Court of Morgan County. The motion was approved unanimously with no further discussion.
20. Agenda Item 9F – Officer #6 – This officer did not appear in reference to the review of plea he entered in the United States District Court for the Southern District of West Virginia. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to revoke the law enforcement certification of this former officer as a result of the plea and subsequent conviction for the criminal offense he had been charged with. The motion was approved unanimously with no further discussion.
21. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Captain Lee, to approve the full reactivation of the law enforcement certification of the fifteen (15) law enforcement officers listed in the agenda packet. The motion was approved unanimously with no discussion.
22. Agenda Item 10B – This officer appeared before the Subcommittee for review of reactivation of law enforcement certification where officer left prior agency with standing in question. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to table the decision of Subcommittee until this officer has time to submit additional documentation concerning training he had completed while not working as an officer. The motion was approved unanimously with no further discussion.
23. Agenda Item 10C – Draft Position Statement from action decided during December 10, 2015 LEPS meeting in which Subcommittee voted not to reactivate this officer's certification based on circumstances involved in his resignation. Ms. Mason informed the member that Ms. Webb-Barber reviewed and approved the Position Statement. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept Position

Statement as submitted. The motion was approved unanimously with no further discussion.

24. Agenda Item 11 – Officer set to appear before the Subcommittee resigned his position and chose not to appear before the Subcommittee for reactivation review following separation of more than sixty (60) months as a West Virginia law enforcement officer. Presented for informational purposes. No action required.
25. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none, no action required.
26. Agenda Item 13 – Review of officer's ability to enter and complete the entry level training program. There were none, no action required.
27. Agenda Item 14 – Request by an officer for accommodations relating to attendance in the entry level training program. There were none, no action required.
28. Agenda Item 15 – This officer appeared before the Subcommittee for review of actions related to his shortage of in-service training for FY15 Training Year period, July 1, 2014 to June 30, 2015. Motion made, Sergeant Nichols, seconded, Chief Walker to decertify this officer based on legislative rules §149-2-16.1.a, 16.1e, and 16.1.k. as he had not completed the required training and had not been honest to Retired Captain Sadler in reporting that he had. Retired Sergeant Johnson and Mr. McClung voted no to this motion. The motion passed by a vote of 9-2 with no further discussion. Stop Work Order will be mailed with a Position Statement to follow.
29. Agenda Item 16 – Motion made, Sheriff McComas, seconded, Captain Lee to approve the law enforcement certifications of the officers who completed the 164th Basic Class. The motion passed unanimously with no discussion.
30. Agenda Item 17 – Class schedule for the 165th Basic Class beginning January 4, 2016 and continuing to April 22, 2016. Presented for informational purposes only. No action required.
31. Agenda Item 18 – Review requested by the State Fire Marshal's Office of their Training Standards for Citation Powers. Motion made, Sheriff McComas, seconded, Retired Corporal Gentry to table this requests in order to give the members the chance to review that agencies training requirements. The motion passed unanimously with no further discussion.

32. Agenda Item 19 – Ms. Mason provided an update on FOIA related requests from a Charleston attorney on an officer that did not attend the Academy. Presented for informational purposes only. No action required.
33. Agenda Item 20 – Legislative Rules Review for the 2017 Legislative Session will be held at Stonewall Resort on April 26-27, 2016 by the consensus agreement of the members present at this meeting. The regular monthly meeting of the LEPS Subcommittee, as has been done at prior such reviews, will follow at the same location on April 28, 2016. Retired Captain Sadler will make required notice to the Secretary of State's Office concerning the open public meeting notices.
34. Agenda Item 21 – Legislative Session Update. Chief Walker informed the Subcommittee that the Public Service Commission is requesting that their officers be given full arrest powers. He said this has not yet been introduced in the legislature and information will be forwarded to the members in a separate email. Presented for informational purposes, no action required.
35. Agenda Item 22 – Correspondence update on actions taken by the LEPS Program as part of the start of the 165th Basic Class. Presented for informational purposes only. No action required.
36. Agenda Item 23 – The next LEPS Subcommittee meeting is scheduled for Thursday, February 25, 2016 at 9:00 a.m. at the PDC.

There being no further agenda items set for discussion a motion was made by Captain Lee, seconded, Mayor Manchester to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 11:29 a.m.